

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 30, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1412

Introduced by Assembly Member Wolk
(Coauthors: Assembly Members ~~Goldberg~~, *Chu*, *Goldberg*,
Hancock, *Koretz*, *Laird*, *Levine*, *Longville*, *Montanez*, *Nation*,
Pavley, *Salinas*, and *Wiggins*)

February 21, 2003

An act to add Chapter 2.66 (commencing with Section 7286.27) to Part 1.7 of Division 2 of, *and to repeal Section 7262.7 of*, the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, as amended, Wolk. ~~City transactions~~ *Transactions* and use taxes.

Existing law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy transactions and use taxes in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law. ~~This~~

This bill would additionally authorize the *City of Albany*, City of American Canyon, City of Benicia, *City of Berkeley*, City of Beverly Hills, City of Calistoga, City of Capitola, City of Colton, City of Culver City, *City of El Cerrito*, *City of Emeryville*, City of Fairfield, City of

Fontana, *City of Hollister*, City of King City, *City of Lafayette*, City of Los Angeles, City of Malibu, City of Monterey, *City of Monterey Park*, *City of Morro Bay*, City of Napa, City of Pacific Grove, *City of Pleasant Hill*, *City of Port Hueneme*, City of Rialto, *City of Richmond*, City of Rio Vista, City of Rohnert Park, City of San Bernardino, *City of San Carlos*, City of San Fernando, *City of San Juan Bautista*, *City of San Pablo*, City of Sand City, City of Santa Cruz, *City of Santa Maria*, City of Santa Monica, City of Santa Rosa, City of Scott's Valley, City of Soledad, City of St. Helena, City of Suisun City, City of Vacaville, City of Vallejo, City of Watsonville, City of West Hollywood, City of Winters, and City of Yountville, subject to the approval of $\frac{2}{3}$ or a majority of the voters voting on the issue at an election, to levy a tax pursuant to the Transactions and Use Tax Law at a rate of 0.25% or 0.5%.

This bill would also authorize the City of Petaluma, subject to the approval of $\frac{2}{3}$ or a majority of the voters voting on the issue at an election, to levy a transactions and use tax at a rate of 0.25%, 0.5%, 0.75%, or 1.0%.

Existing law also authorizes the County of Stanislaus to impose a transactions and use tax if, among other things, the revenue collected from the tax is used only for library purposes.

This bill would repeal that provision.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 7262.7 of the Revenue and Taxation*
- 2 *Code is repealed.*
- 3 ~~7262.7.—(a) In addition to the tax levied pursuant to Part 1.5~~
- 4 ~~(commencing with Section 7200), and any other tax authorized by~~
- 5 ~~this part, the Board of Supervisors of the County of Stanislaus may~~
- 6 ~~impose a transactions and use tax by adoption of an ordinance in~~
- 7 ~~accordance with this part if each of the following conditions are~~
- 8 ~~met:~~
- 9 ~~(1) The ordinance imposing the tax is submitted to and~~
- 10 ~~approved by the voters of the county in accordance with Article 3.7~~

~~(commencing with Section 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.~~

~~(2) The tax is imposed at a rate of one-eighth of 1 percent for a period not to exceed five years.~~

~~(3) The revenues collected from the tax shall be used only for funding countywide library programs and operations.~~

~~(b) The Board of Supervisors of the County of Stanislaus may impose a transactions and use tax in any succeeding period not to exceed five years per period if all of the conditions specified in subdivision (a) are met for that succeeding period.~~

SEC. 2. Chapter 2.66 (commencing with Section 7286.27) is added to Part 1.7 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 2.66. ALBANY, AMERICAN CANYON, BENICIA, BERKELEY, BEVERLY HILLS, CALISTOGA, CAPITOLA, COLTON, CULVER CITY, EL CERRITO, EMERYVILLE, FAIRFIELD, FONTANA, ~~KING CITY~~, HOLLISTER, KING CITY, LAFAYETTE, LOS ANGELES, MALIBU, MONTEREY, MONTEREY PARK, MORRO BAY, NAPA, PACIFIC GROVE, ~~RIALTO~~, PLEASANT HILL, PORT HUENEME, RIALTO, RICHMOND, RIO VISTA, ROHNERT PARK, SAN BERNARDINO, ~~SAN FERNANDO~~, SAN CARLOS, SAN FERNANDO, SAN JUAN BAUTISTA, SAN PABLO, SAND CITY, SANTA CRUZ, SANTA MARIA, SANTA MONICA, SANTA ROSA, SCOTT'S VALLEY, SOLEDAD, ST. HELENA, SUISUN CITY, VACAVILLE, VALLEJO, WATSONVILLE, WEST HOLLYWOOD, WINTERS, AND YOUNTVILLE TRANSACTIONS AND USE TAXES

7286.27. (a) (1) Subject to paragraph (2), a qualified city may levy a transactions and use tax at a rate of 0.25 or 0.5 percent, if an ordinance proposing that tax is approved by a two-thirds vote of all of the members of the city council and the tax is approved by either a two-thirds or a majority vote of qualified voters of the city voting in an election on the issue, as determined by the ordinance proposing the tax and establishing how the revenues derived from the tax are to be expended.

(2) Any transactions and use tax imposed pursuant to this section shall be levied in accordance with Part 1.6 (commencing with Section 7251).

(3) For purposes of this section, "qualified city" means the City of Albany, the City of American Canyon, the City of Benicia,

1 *the City of Berkeley*, the City of Beverly Hills, the City of
2 Calistoga, the City of Capitola, the City of Colton, the City of
3 Culver City, *the City of El Cerrito*, *the City of Emeryville*, the City
4 of Fairfield, the City of Fontana, ~~the City of King City~~, *the City of*
5 *Hollister*, *the City of King City*, *the City of Lafayette*, the City of
6 Los Angeles, the City of Malibu, the City of Monterey, *the City*
7 *of Monterey Park*, *the City of Morro Bay*, the City of Napa, the City
8 of Pacific Grove, ~~the City of Rialto~~, *the City of Pleasant Hill*, *the*
9 *City of Port Hueneme*, *the City of Rialto*, *the City of Richmond*, the
10 City of Rio Vista, the City of Rohnert Park, the City of San
11 Bernardino, *the City of San Carlos*, the City of San Fernando, *the*
12 *City of San Juan Bautista*, *the City of San Pablo*, the City of Sand
13 City, the City of Santa Cruz, *the City of Santa Maria*, the City of
14 Santa Monica, the City of Santa Rosa, the City of Scott's Valley,
15 the City of Soledad, the City of St. Helena, the City of Suisun City,
16 the City of Vacaville, the City of Vallejo, the City of Watsonville,
17 the City of West Hollywood, the City of Winters, and the City of
18 Yountville.

19 (b) Subject to paragraph (2) of subdivision (a), the City of
20 Petaluma may levy a transactions and use tax at a rate of 0.25, 0.5,
21 0.75, or 1.0 percent, if both of the following conditions are
22 satisfied:

23 (1) An ordinance proposing that tax is approved by a two-thirds
24 vote of all of the members of the city council.

25 (2) The tax is approved by either a two-thirds or a majority vote
26 of qualified voters of the city voting in an election on the issue, as
27 specified by the ordinance proposing the tax and establishing how
28 the revenues derived from the tax are to be expended.

29 ~~SEC. 2.—~~

30 *SEC. 3.* The Legislature finds and declares that a special law
31 is necessary and that a general law cannot be made applicable
32 within the meaning of Section 16 of Article IV of the California
33 Constitution because of the uniquely difficult fiscal pressures
34 being experienced by the Cities of *Albany*, American Canyon,
35 Benicia, *Berkeley*, Beverly Hills, Calistoga, Capitola, Colton,
36 Culver City, *El Cerrito*, *Emeryville*, Fairfield, Fontana, ~~King City~~,
37 *Hollister*, *King City*, *Lafayette*, Los Angeles, Malibu, Monterey,
38 *Monterey Park*, *Morro Bay*, Napa, Pacific Grove, *Pleasant Hill*,
39 *Port Hueneme*, Petaluma, Rialto, *Richmond*, Rio Vista, Rohnert
40 Park, San Bernardino, ~~San Fernando~~, *San Carlos*, *San Fernando*,

1 *San Juan Bautista, San Pablo, Sand City, Santa Cruz, Santa*
2 *Maria, Santa Monica, Santa Rosa, Scott's Valley, Soledad, St.*
3 *Helena, Suisun City, Vacaville, Vallejo, Watsonville, West*
4 *Hollywood, Winters, and Yountville in providing essential*
5 *services and funding for city programs and operations.*

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